



Driver
License
Appeal
Division

Court Bulletin

Candice S. Miller, Secretary of State

www.michigan.gov/sos

No. 43, September 2002 Inside

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Department of State reorganizes, DLAD now in Bureau of Legal Services

In response to the state's early retirement program, the Michigan Department of State (MDOS) has reorganized, effective July 1, consolidating administrations and several bureaus. The newly formed Legal and Regulatory Affairs Administration consists of the Bureau of Legal Services (BLS) and the Bureau of Regulatory Affairs.

As part of the reorganization, The Driver License Appeal Division (DLAD) has become part of BLS, under the direction of **Anne Corgan**. Corgan is also acting DLAD director until such time as a replacement may be hired for that position. It is expected that MDOS will begin accepting applications for this position in the near future. If you need to reach Corgan, her telephone number is (517) 241-3463.

Elaine Charney, director of the former Bureau of Driver Safety, retired in June after 25 years of service. Charney was instrumental in the development and implementation of the 1999 Repeat Offender laws. She has provided assistance and guidance to both MDOS, and the judicial community.

Other DLAD employees retiring under the early retirement program are: **James Flint**, **Pamela Jacobus**, **Linda Bauer**, **Claudia Glisson**, **Gail Haas**, **Diane Bennett**, **Chris Parviainen**, and **Chris Rogers**.

SB 1094, Improper Load or Towing, takes effect

Offense Code 3710, Improper Load or Towing, has been expanded to include new verbiage (MCL 257.720 (9)):

"A person shall not drive or move on a highway a vehicle equipped with a front end loading device with a tine protruding parallel to the highway beyond the front bumper of the vehicle unless the tine is carrying a load designed to be carried by the front end loading device."

This subsection does not apply to:

- Vehicles designed to be used to transport agricultural commodities
- Vehicles en route to a repair facility
- Vehicles engaged in construction activity

Improper Driving with Front Loader

- Guilty of a misdemeanor punishable by a fine of not more \$500.00 or imprisonment for not more than 90 days, or both.
- Offense Code 3710, misdemeanor, is eligible for Abstract of Conviction, Failure to Appear in Court and Failure to Comply with Judgment. 2 points will be assessed.

Court bulletin distributed electronically

The Court Bulletin will now be distributed to courts electronically via e-mail, and will be available on the Secretary of State web site, www.michigan.gov/sos.

There will no longer be a separate mailing to each court. Please feel free to print a copy and make additional copies for distribution within your court.

If you do not receive the ASD mail from the State Court Administrative Office, please contact **Brenda Underwood** with your e-mail address, (517) 373-9231.

Abstract training available on video

Abstract Training 201 was offered again this year through the Michigan Judicial Institute (MJl) with **Peggy Leece**, Department of State Court Liaison, conducting the training. The training session is available for courts to review on video.

The video covers the entire process of abstracting, including additions, errors and corrections.

If you need additional videos, or did not receive your video, please contact MJl, (517) 334-7805.

New Offense Codes will generate errors

New Offense Codes 1605, 2105, and 9210 will generate errors until programming is completed. It is not necessary to work these errors.

Court should inform MDOS if individual has two NO LICENSE driving records

If the words "NO LICENSE" appear after the driver license number on an individual's driving record the person is not licensed in the State of Michigan.

However, some type of activity was submitted to MDOS relating to that individual and it was necessary to create a Michigan driving record for that person.

When this occurs, a Michigan driver license number is created based on the full name and date of birth that the court provides on the abstract of conviction. Please be certain when preparing the abstract of conviction that you provide the MDOS with the full name (first, middle, and last), date of birth, and address of the offender.

On occasion, after the MDOS has created a "NO LICENSE" driving record for an individual, that person

may use a slightly different name or date of birth in another court or when applying for a Michigan license. This person could have two different driving records on our system. If your court becomes aware of a situation where you believe an individual has two or more driving records, please bring it to the attention of MDOS.

If possible, please supply us with both driver license numbers, along with names and dates of birth.

Upon receipt of this information, we will conduct an investigation to determine if the records belong to the same individual. If that is the case, we will combine both records into one driver license number. Should you have any questions regarding this information, please contact the Abstract Processing Unit at (517) 322-1598.

"Leaving the scene," Offense Code 1600 split

Offense Code 1600 (HB4813, SB 469) has been split into two offense codes:

- 1600 – Failed to Stop or Identify after Accident Causing Injury (MCL 257.617(2))**
Five-year felony or fine of not more than \$5,000, or both; administrative denial/revocation by the Secretary of State; six points; abstract required; eligible for FAC & FCJ, moving violation. Effective date February 1, 2002.
- 1605 – (New Offense Code)**
Failed to Stop or Identify after Accident Causing Death (MCL 257.617(3))
Fifteen-year felony or fine of not more than \$10,000, or both; administrative denial/revocation by the Secretary of State; six points; abstract required; eligible for FAC & FCJ, moving violation. Effective date February 1, 2002.

New speeding in construction zone Offense Code now in effect

2105 - Speeding in Construction Zones, [MCL 257.627(9)], Civil infraction, eligible for FCJ and abstract, moving violation, 1-10 mph over limit is three points, 11-15 mph over limit is four points, 16 mph over limit is five points. In “speed” box on abstract, enter actual speed followed by posted limit. Effective date July 1, 2002.

Note: Please fill in the vehicle type for **all** violations in which a vehicle was used. (See Section II - Abstract Processing, page 15 of the *Court Manual*.) Commercial Motor Vehicle operators often receive separate sanctions to their Commercial Driver Licenses (CDL) based upon the vehicle entry on the abstract of conviction.

MCL 257.601b requires the court to double the fine that otherwise would be prescribed for the speeding violation if occurring outside of a construction, emergency, or school zone. Costs and state assessments are not included.

Railroad Crossing violations expanding Oct. 1

Starting October 1, 2002, Offense Code 2450, Railroad Crossing Violations, will be expanded to include MCL 257.669(A)(2)(3)(4):

- Failure to slow down at railroad crossing grade for vehicle not required to stop
- Disobey police officer at railroad crossing
- Cross railroad grade crossing without sufficient undercarriage clearance
- Failure to drive completely through crossing without stopping

If these violations occur in a Commercial Motor Vehicle (CMV), the following licensing sanctions shall apply:

- First violation equals 60-day Commercial Driver License (CDL) suspension, MCL 257.319b(1)(a)(ii);
- Second violation within 36 months equals 120-day CDL suspension, MCL 257.319b(1)(b)(ii); and,
- Third or subsequent violation within 36 months equals CDL one-year suspension, MCL 257.319b(1)(c)(vi).

These sanctions are in compliance with federal regulations. Offense Code 2450 is a Civil Infraction and is eligible for abstract and Failure to Comply with Judgment (FCJ). Three points will be assessed to the record regardless of type of vehicle.

If an offense occurs in a commercial vehicle, the vehicle type **must** be submitted on the abstract. The vehicle types are located in the *Court Manual*, Section II, page 15.

Remove tractor feed from manually submitted documents

When submitting paper documentation to the Department of State, please remove tractor feed from FAC/FCJ and all other forms and place them neatly in the envelope, so that the contents may be filmed and processed without tearing or jamming.

Out-of-state motorists should contact SOS when clearing FAC/FCJ

When an out-of-state resident calls the court to clear an open FAC/FCJ because they are trying to get a driver license in another state, please advise them to contact the Department of State's Abstract Processing Unit, 517-322-1598.

The motorist may also have an outstanding reinstatement fee due to the Department of State's office. The Abstract Processing Unit may be able to waive the \$125 reinstatement fee and FAX a clearance letter to the out-of-state party.

Submit the blue copy of abstract for sentencing information

The blue copy of the abstract is used when manually reporting sentencing information regarding immobilization, fines, costs, jail time, community service, forfeiture, etc. Some of the sentencing documents being received are not legible.

Please verify before submitting this information that the sentencing information is readable.

Attempts same as convictions on record

There have been several questions regarding how attempted violations are handled.

When licensing actions are taken, the Department of State shall treat all convictions for attempts the same as if they were convictions for the completed offenses, regardless of what has been abstracted (1998 PA347. ESB 627. MCL 257.204b).

The Department of State computer ignores the "A" in front of the Offense Code. This change was part of the Repeat Offender package that became effective October 1, 1999.

Courts must certify abstracts twice a year

State statute MCL 257.732 requires all courts to certify twice a year that all abstracts have been submitted to the Secretary of State (SOS). The certification covers a six-month period—January 1 through June 30, and July 1 through December 31.

The certification is due no later than 28 days after the period covered in the certification. Form BDVR-103 is used when submitting certification.

These forms may be ordered from the Secretary of State, Purchasing and Contracts Section, Lansing, MI 48918; or by fax at (517) 335-7338. Check on an order by telephone at (517) 335-2755.

Court of Appeals rules drinking in another state or country legal for MIP

Please be aware of a recent court ruling about the Minor in Possession Statute. **People v Rutledge, 250 Mich App 1, February 15, 2000**, states that:

The defendant was a passenger in a vehicle that was stopped after leaving Canada. The defendant was drinking legally in Canada, but was charged with a Minor in Possession (MIP), MCL 436.1703(1). The Court of Appeals found: "That minors who legally ingest alcohol in a jurisdiction outside Michigan and then return to Michigan (e.g., as passengers in a vehicle) with the alcohol in their bodies have not violated the Minor in Possession Statute."

Speeding violation offense codes clarified

Certain speeding violations are still causing confusion among court personnel. The Offense Code 2000 is used for highways other than expressway driving. Offense Code 2100 should be used for limited access speed. Please see your *Court Manual, Section VI*, for clarification of points assessed for speeding violations.

| Repeat Offender Statistics - 7/31/2002 | | | | |
|----------------------------------------|--------------------------------|-------------|-----------------------------|--------------------------|
| | Totals 2002 YTD | Totals 2001 | Totals 10/1/99 - 12/31/2000 | Totals 10/1/99 - Present |
| DWLS RESULTING IN DEATH/INJURY | 1 | 17 | 10 | 28 |
| CHILD ENDANGERMENT | 125 | 357 | 464 | 946 |
| 303 REVOKED/DENIED | 8,966 | 17,368 | 20,368 | 46,702 |
| 904 ADDITIONALS | 35,823 | 94,389 | 117,261 | 247,473 |
| IGNITION INTERLOCK | 2,306 | 3,448 | 3,291 | 9,045 |
| 904C PLATE CONFISCATIONS | 12,230 | 21,514 | 27,031 | 60,775 |
| IMMOBILIZATIONS | 1,373 | 5,204 | 7,408 | 13,985 |
| FORFEITURES | 3 | 34 | 104 | 141 |
| VEHICLES SOLD | 1,771 | 6,247 | 8,907 | 16,925 |
| | | | | |
| | | | ACTIVE | CLEARED |
| | REG/DENIAL ALCOHOL | | 104,086 | 9,925 |
| | REG/DENIAL DWLS | | 32,107 | 6,564 |
| | REG/DENIAL GRAND TOTALS | | 136,193 | 16,489 |

2002 RECIPROCITY UPDATE

INTERNATIONAL CONVENTIONS AND TREATIES

Residents of countries that are signatories to the 1949 United Nations Convention on Road Traffic may drive in this country if they have a valid license from their country of residence. An international driving permit is not required (see Treaties and International Acts, Section 2487 and US Treaties 3 UST 3008).

For licenses that are not in English, an interpreter may be required to determine the license's validity.

Courts and law enforcement officials should not take and destroy foreign driver licenses pursuant to Section 625g.

Besides the United States, listed below are the countries that honor international driving permits:

| | | | | | |
|---------------------|----------------------|----------------|-----------------------|----------------------|-------------------|
| Afghanistan* | Cayman Islands | Germany | Kuwait* | Nicaragua* | St. Vincent & The |
| Albania | Central African Rep. | Ghana | Laos | Niger | Grenadines |
| Algeria | Chad* | Gibraltar | Lebanon | Norway | Sudan |
| Andorra | Chile | Greece | Lesotho | Oman* | Suriname |
| Angola | Colombia* | Grenada | Liberia* | Panama | Swaziland |
| Antigua**/** | Congo | Guatemala | Libya | Papua New Guinea | Sweden |
| Argentina | Costa Rica* | Guernsey | Liechtenstein* | Peru | Switzerland |
| Australia | Cuba | Guinea-Bissau* | Luxembourg | Paraguay | Syria |
| Austria | Curacao | Guinea* | Macao* | Philippines | Taiwan |
| Bahamas | Cyprus | Guyana | Madagascar | Poland | Tanzania |
| Bahrain* | Czech Rep | Haiti | Malawi | Portugal | Thailand |
| Bangladesh | Denmark | Honduras* | Malaysia | Qatar* | Togo |
| Barbados** | Djibouti* | Hong Kong | Mali | Romania | Trinidad & Tobago |
| Belgium | Dominica**/** | Hungary | Malta | Russia* | Tunisia |
| Belize | Dominican Rep. | Iceland | Mauritania* | Rwanda | Turkey |
| Benin | Ecuador | Indonesia* | Mauritius | San Marino | Uganda |
| Bhutan* | Egypt | Iran* | Mexico* | Sao Tome & Principe* | United Arab |
| Bolivia* | El Salvador* | Ireland | Monaco | Saudi Arabia* | Emirates* |
| Botswana | Ethiopia* | Israel | Montserrat**/** | Senegal | United Kingdom |
| Brunei* | Fiji | Italy | Morocco | Seychelles | Upper Volta |
| Bulgaria | Finland | Ivory Coast | Mozambique* | Sierra Leone | (Burkina Faso)* |
| Burma* | France (including | Jamaica | Namibia* | Singapore | Vatican City |
| Cambodia | French Overseas | Japan | Nepal* | South Africa | Venezuela |
| Canada | Territories) | Jersey | Netherlands | Spain | Vietnam |
| Cape Verde Islands* | French Polynesia | Jordan | Nevis & Anguilla**/** | Sri Lanka | Western Samoa |
| | Gabon | Kenya* | New Caledonia | St. Lucia | Yemen* |
| | Gambia | Korea Rep. | New Zealand | St. Christopher | Yugoslavia |
| | | | | | Zaire |

Zambia

Zimbabwe

*Not part of 1949 Convention: International Driving Permit honored.

**U.S. driver license and International Driving Permit recognized on presentation to local police and payment of Special Registration Fee upon arrival.

***Contracting states which honor Inter-American driving permits (Convention on Regulation of Inter-American Motor Vehicle Traffic of American States, Washington, D.C. 1943) as of June 1993.

SPECIAL RECIPROCITY AGREEMENT

Under MCL 257.302a, the department must publish a list of countries whose residents need not obtain a Michigan driver license to operate a vehicle in this state based on a special agreement, provided they are licensed in their country of residence and they do not receive compensation for vehicle operation. These special agreements allow Michigan residents whose employment requires them to travel in foreign countries to obtain foreign driving privileges and licenses at reduced rates.

Currently only France and Germany are on the list.

NOTICE TO ALL MICHIGAN COURTS, PROSECUTING ATTORNEYS AND LAW ENFORCEMENT AGENCIES

Pursuant to Section 302a(2) of the Michigan Vehicle Code (MCL 257.302a), you are hereby notified that reciprocal driving privileges were extended to France, effective January 4, 1991, and to Germany, effective November 10, 1997.

Persons holding valid driver licenses issued by France or Germany may operate passenger vehicles in Michigan on such licenses.

The privileges extended to France and Germany have not been withdrawn.

If you have any questions, please contact the Michigan Department of State, Compliance Division, at (517) 373-8252.

New address, phone for physical media

The shipping address and phone number for data shipped on physical media has changed. The new address is:

**Michigan Department of State
Data Information and Reporting
P.O. Box 30206
Lansing, MI 48909-7706**

Items shipped by courier services that cannot deliver to a post office box address should be addressed to:

**Michigan Department of State
Data Information and Reporting
Operations Center Building
7285 Parsons Drive
Lansing, MI 48918**

The Product Support contact telephone numbers are also changed. The "hotline" voice number is (517) 636-0222, and the fax is (517) 636-0403.

The preferred Production Support email address is DataC@Michigan.gov.

Excellence for Timeliness awards announced at administrators conference

In May, Certificates of Excellence were presented at the 2002 Michigan Court Administrator's Annual Conference. The awards were presented to both District and Circuit Courts. These awards represented the best timeliness of abstracts and the greatest improvement in timeliness of submission of abstracts.

Most Improved

10th Circuit Court, Saginaw County, 62 percent improvement
33rd District Court, Woodhaven, 33 percent improvement

Best Timeliness

32nd Circuit Court, Gogebic County, 100 percent
48th District Court, Bloomfield Hills, 99 percent
32nd Municipal Court, Grosse Pointe Park, 99 percent
75th District Court, Midland, 99 percent
44th District Court, Royal Oak, 99 percent
46th District Court, Southfield, 99 percent
23rd District Court, Taylor, 99 percent
62-A District Court, Wyoming, 99 percent

Congratulations to every court making an effort to report in a timely manner. There were only eight District Courts in the year 2001 that reported lower than 80 percent. This is the best reporting ever. Please continue to keep up the excellent submission.

**Michigan Department of State
Bureau of Legal Service
Lansing, MI 48918-1505**

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